

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7408 OF 2006

Najma Khan & Anr. Petitioners
V/s.
The Veerseva Co-op.Bank Ltd. & Anr. Respondents

Mr.V.C. Ghosalkar for the Petitioners.
Mr.N.N. Bhadrashet for Respondent No.1.

CORAM : S.J. VAZIFDAR, J.
DATED : 25TH JANUARY, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.
2. The impugned order warrants no interference so far as it rejects the Revision Application.
3. However, it is to be noted that the impugned order directs the Co-operative Court to consider the passing of a partial decree under Order 12 Rule 6 of the C.P.C. to the extent of the principal amount of Rs.13,00,000/- within one week. The order is neither justified nor consistent with the order itself. The evidence of one of the witnesses of the disputant is also complete. The issue as to jurisdiction has been directed to be heard along with all other issues. In

the circumstances, there cannot be any question of any order being passed under Order 12 Rule 6 of the C.P.C. till all the issues are decided. Further there was not even an application by the Respondents under Order 12 Rule 16 of the C.P.C. for a partial decree.

4. In the circumstances the impugned order is upheld in so far as it rejects the Revision Application. However the above directions issued to the Co-operative Court are set-aside. The Rule is made absolute accordingly.

5. The Petitioners undertake not to make any application for adjournment before the Co-operative Court for trial of the dispute.